

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 25-213(DSD/DJF)

Michael Fiorito,

Plaintiff,

v.

ORDER

Delta Airlines, et al.,

Defendants.

This matter is before the court upon plaintiff Michael Fiorito's motion to strike prejudicial content and for sanctions against defense counsel for Delta Airlines.¹ ECF No. 52. Fiorito first contends that the portion of Delta's memorandum of law in support of its (now moot) motion to dismiss detailing Fiorito's numerous lawsuits before this court should be stricken as prejudicial. See ECF No. 23, at 3-4. The court disagrees. First, the material at issue is not prejudicial. Rather, it is simply a list of Fiorito's lawsuits, derived from public information, and of which the court is already well aware. Second, the court denied Delta's motion to dismiss as moot after dismissing Delta from the case. See ECF No. 49. Under these circumstances, there is no basis to strike the content, as it is moot will not be considered by the court.

¹ On April 7, 2025, the court dismissed Delta Airlines from this case with prejudice. ECF No. 49.

Fiorito also seeks sanctions against counsel for Delta, arguing that in Delta's motion to dismiss, counsel failed to discuss some of Fiorito's previously filed cases relating to his legitimate medical needs. Fiorito also argues that counsel for Delta has exhibited a "corporate disregard" for disabled individuals given that the company has allegedly faced fourteen ADA complaints since 2020.

Neither basis supports Fiorito's request for sanctions. The failure to include reference to certain other cases unrelated to this matter is not sanctionable. As for the alleged "corporate disregard," that issue is not before the court. Nor do unrelated complaints have any bearing on the instant case.

Accordingly, **IT IS HEREBY ORDERED** that the motion to strike prejudicial content and for sanctions against defense counsel for Delta Airlines [ECF No. 52] is denied.

Dated: May 14, 2025

s/David S. Doty
David S. Doty, Judge
United States District Court